THE HON'BLE MR JUSTICE K.C. BHANU

Writ Petition No.17683 of 2005

Dated 26.09.2005

Between:

Sri Kirti Krishna

..... PETITIONER

AND

1.The Mandal Revenue Officer, Mulugu, Medak District and another

.....RESPONDENTS

THE HON'BLE MR JUSTICE K.C. BHANU

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Writ Petition No.17683 of 2005

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The writ petition is filed seeking a declaration that the action of the respondents in not releasing 86 quintals of rice meant for 'Food for Work' programme to the labourers who worked under the said programme in the month of February, 2002, is illegal and arbitrary.

It is stated that the petitioner is the Gang Leader and completed the work viz., C.C.Road, Drainages and metal works, allotted by the Panchayat Raj Department under the 'Food for Work' programme in February, 2002 with the help of the labourers. It is also stated that even the Mandal Revenue Officer, Mulugu allotted rice to the fair price shop dealer for distributing the same to the labourers who attended the work under the 'Food for Work' programme. On 02.03.2002, the villagers gave a complaint to the Mandal Revenue Officer, Mulugu, first respondent herein, stating that the fair price shop dealer is diverting the rice meant for 'Food for Work' programme to the black market, pursuant to which, the first respondent filed a report under Section 6-A of the Essential Commodities Act, 1955 (for short, the Act) before the second respondent and seized the entire stock. Since 86 quintals of rice meant for 'Food for Work' programme was not released, the petitioner made a representation to the respondents seeking release of the same. It is further stated that the Joint

Collector by an order, dated 06.09.2003, ordered confiscation of entire stock including the rice meant for 'Food for Work' programme. Aggrieved by the same, the fair price shop dealer filed an appeal under Section 6-C of the Act before the Principal District and Sessions Judge, Medak District at Sangareddy being Crl.A.No.149 of 2003, which was allowed on 31.01.2005, setting aside the confiscation order and directing the respondents to release the seized stock. However, the rice meant for 'Food for Work' programme has not been released so far. Hence, the present writ petition.

It is contended by the learned counsel for the petitioner that the labourers have nothing to do with the irregularities committed by the fair price shop dealer. Since they worked under 'Food for Work' programme, they are entitled for release of the rice. Even otherwise, the order of confiscation passed by the Joint Collector, dated 06.09.2003, is set aside by the Principal District and Sessions Judge, Medak District at Sangareddy in Crl.A.No.149 of 2003, on 31.01.2005. Therefore, viewed from any angle, the labourers are entitled for release of the rice.

In the circumstances, the respondents are directed to release 86 quintals of rice meant for 'Food for Work' programme to the petitioner so as to distribute the same to the labourers who worked under the 'Food for Work' programme.

The writ petition is accordingly disposed of. No costs.

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26.09.2005

Note: Issue CC in two days.

(b/o)

VGB